

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7592

BILL NUMBER: SB 340

NOTE PREPARED: May 4, 2005

BILL AMENDED: Apr 25, 2005

SUBJECT: Child Abuse and Neglect; Adoption Proceedings; GAL/CASA Funding.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR: Rep. Budak

BILL STATUS: Enrolled

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires the court to determine whether a person, licensed child placing agency, or county Office of Family and Children placing a child for adoption has provided required documents to the prospective adoptive parents before granting the adoption. The bill provides that if a person representing the state files a motion to dismiss a child in need of services petition, the person must provide a statement that sets forth the reasons for requesting the dismissal. It provides that the court shall, not later than ten days after the motion to dismiss is filed, grant the motion or set a date for a hearing on the motion. It also requires the person, licensed child placing agency, or county Office of Family and Children placing a child for adoption to give the adoptive parents a report concerning nonidentifying information concerning the birth parents at the time the home study or evaluation concerning the suitability of the proposed home for the child is commenced.

The bill provides that if the court sets a date for a hearing, the court may appoint a guardian ad litem or a court appointed special advocate, or both, to represent the best interests of the child. It adds court appointed special advocates (CASA) to the list of individuals who may: (1) petition a court to order a custodian to obtain counseling for a child; (2) petition a juvenile court to modify a dispositional decree; and (3) receive a notice of an initial hearing concerning a children in need of services (CHINS) petition. It also permits the county office of family and children to request that a juvenile court appoint a CASA for a child. The bill provides that a court may make certain CHINS reports available to a CASA. It prohibits a sex offender from adopting. It also provides that guardian ad litem or CASA programs certified by the Supreme Court are eligible for certain funding.

Effective Date: July 1, 2005.

Explanation of State Expenditures: *GAL/CASA Assignment for CHINS:* Current law requires the court to dismiss any Child in Need of Services (CHINS) petition if a motion is filed by a person representing the interests of the state. This bill would require the person filing the motion to provide the court with a statement that sets forth the reasons the person is requesting that the petition be dismissed.

Subsequently, the court is required, within 10 days of the motion, to either grant the motion to dismiss, or set a date for a hearing on the motion. This could result in an increase in court time if additional hearings are conducted. Actual increases in court time are dependent on the number of additional cases heard.

If additional hearings are held, an increase in the number of CHINS could occur as a result. In CY 2003, the average cost for a CHINS was \$11,953. Actual increases in expenditures are dependent on the number of youth that become a CHINS and the level and types of services provided to them. Out-of-home placements and services to CHINS are primarily funded by the local county Family and Children's Fund. Certain out-of-home placements may be matched with federal IV-E funds, and CHINS are eligible for Medicaid services.

The bill allows the court to appoint a guardian ad litem (GAL), a court appointed special advocate, or both to represent a child if a hearing is held. The National Court Appointed Special Advocate (CASA) office estimates the average annual cost per child to be \$800. Indiana CASA (IN CASA) has calculated the Indiana cost to be between \$450 and \$500, while the cost for a GAL varies. Actual increases in costs are dependent on the number of additional CASA or guardian ad litem persons appointed.

The bill also allows a CASA to file a motion with the court to order the custodian or the joint custodians to obtain counseling for the child under such terms and conditions as the court considers appropriate. Under current law, the court, a party, a child, or a guardian ad litem may file a motion with the court to order the counseling.

If the court orders an offender to receive counseling, and an offender can pay or has insurance to pay for counseling, there would be no additional cost to the county. However, expenses of indigent offenders would be paid by the county. Any increases in expenditures are expected to be minimal.

GAL/CASA Program Certification: The bill requires all GAL/CASA programs to be certified by the Supreme Court to be eligible for state GAL/CASA funding. Certification includes training, submission of budgets, and signing a Code of Ethics, among other things. The state office of GAL reports it should be able to certify programs within its existing budget.

The state office of GAL reports that 48 of Indiana's 61 GAL/CASA programs are currently members of and approved by the National CASA Association. Furthermore, the state office reports that National CASA Association standards are more stringent than the state certification process will be. The state office will consider these programs as certified by the state. Remaining are 13 established programs and 31 counties which could establish an individual or multi-county program in the future. The state office of GAL reports that new programs will be expected to certify with initial start-up funding (provided by the state office of GAL).

Adoptions: The bill states that a court may not grant an adoption to a petitioner that has been convicted as a sex and violent offender. If an adoption does not occur as a result, the youth would remain in the child welfare system for an extended period of time. In CY 2003, the average cost for a CHINS was \$11,953. Increases in expenditures are dependent on the number of youth that are not adopted and the additional length of time that they remain in the child welfare system.

Background Information: The Indiana Supreme Court currently appropriates \$800,000 of its funding to the IN CASA program. This money is then allocated by the central office to the 61 programs that are currently operational. The allocation is based on a statutory formula. The formula requires that programs receive a minimal funding amount of \$2,000 per year.

There are currently 31 counties in the state that do not have a CASA program. State law requires a CASA representative be appointed in certain cases. Counties that do not have a CASA program often appoint a lawyer as the CASA worker.

Explanation of State Revenues:

Explanation of Local Expenditures: See *Explanation of State Expenditures*.

Explanation of Local Revenues:

State Agencies Affected: Office of the Supreme Court.

Local Agencies Affected: Courts; Counties.

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